

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

Bank of New York Mellon,

Plaintiff,

-v-

Colin Winters,

Defendant.

2:24-cv-7750
(NJC) (ST)

MEMORANDUM AND ORDER

NUSRAT J. CHOUDHURY, United States District Judge:

On November 6, 2024, pro se Defendant Colin Winters (“Winters”) filed an unsigned Notice of Removal seeking to remove to this Court an eviction proceeding against him in the First District Court in Nassau County. (Not. Removal ¶ 1, ECF No. 1.) Winters did not pay the \$405 filing fee, nor did he file an application to proceed in forma pauperis (“IFP”). Accordingly, on November 13, 2024, this Court issued a Notice of Deficiency instructing Winters that, within fourteen days, he must file a signed Notice of Removal and either pay the \$405 filing fee or complete and return an enclosed IFP application. (Not. Deficiency, ECF No. 3.) The Notice was mailed to Winters at his address of record on that same day and has not been returned to the Court as undeliverable to date.

Having received no response from Winters, on December 12, 2024, the Court ordered “Winters to either pay the \$405 filing fee or file [the] enclosed IFP application by December 23, 2024.” (Elec. Order, Dec. 12, 2024.) The Order also “warned that failure to timely comply absent a showing of good cause will lead to the summary remand of this case to state court.” (*Id.*) Further, because Winters had “not complied with the procedural requirements for removal set forth in 28 U.S.C. § 1446, such as including ‘a copy of all process, pleadings, and orders served

upon . . . [the] defendant' in the removed action," the Court encouraged Winters "to consult with the Hofstra Law Pro Se Clinic located in the Central Islip Courthouse." (*Id.*) Winters has not cured that defect either.

Winters has not responded to the Notice of Deficiency or this Court's December 13, 2024 Order and has not communicated to the Court in any way about this action. To date, Winters has not filed a signed Notice of Removal or an IFP application and has not paid the \$405 filing fee.

Accordingly, this action is *sua sponte* remanded to the First District Court in Nassau County, New York.

The Clerk of Court shall mail a certified copy of this Memorandum and Order to the First District Court in Nassau County, New York. The Clerk of the Court shall also mail a copy of this Memorandum and Order to Winters at his address of record and shall record such mailing on the docket.

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith and therefore IFP status is denied for the purpose of any appeal.

See Coppedge v. United States, 369 U.S. 438, 444–45 (1962).

Dated: Central Islip, New York
January 22, 2025

/s/ Nusrat J. Choudhury

NUSRAT J. CHOUDHURY
United States District Judge